

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GURDEEP BOPARAI,

Plaintiff,

v.

FRED MEYER COMPANY, et al.,

Defendants.

CASE NO. 2:24-cv-02045-JNW

ORDER GRANTING DEFENDANTS'
FRCP 12(B)(6) MOTION TO DISMISS
INDIVIDUAL DEFENDANTS

This matter comes before the Court on Defendants Fred Meyer Stores, Inc., Linda Guddat, and Holly Boyles' Motion to Dismiss Individual Defendants under Federal Rule of Civil Procedure 12(b)(6). Dkt. No. 21. Plaintiff Gurdeep Boparai did not file a response to the motion. Having reviewed the pleadings, the Court GRANTS the motion in part as set forth below.

1. BACKGROUND

Boparai, proceeding pro se, filed this employment discrimination action against Fred Meyer Stores, Inc., and individual employees Linda Guddat (Human Resources Assistant Store Leader) and Holly Boyles (Asset Protection Manager). Dkt. No. 19. Boparai alleges he was terminated because of his disability and in

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1 retaliation for complaining about disability discrimination. The complaint seeks
2 relief under the Americans with Disabilities Act (“ADA”) and alleges “retaliation”
3 under unspecified federal law. *Id.* In Appendix B to the complaint, Boparai also
4 alleges he was discriminated against based on his “color.” Dkt. No. 19-1 at 10.

5 6 **2. DISCUSSION**

7 **2.1 Legal standard.**

8 Under Federal Rule of Civil Procedure 12(b)(6), the Court must dismiss a
9 complaint that fails to state a claim upon which relief can be granted. *Bell Atl. Corp.*
10 *v. Twombly*, 550 U.S. 544, 570 (2007). The Court accepts factual allegations as true
11 and construes them in the light most favorable to the plaintiff, but need not accept
12 legal conclusions couched as factual allegations. *Ashcroft v. Iqbal*, 556 U.S. 662, 678
(2009).

13 For pro se plaintiffs, courts must construe pleadings liberally and should not
14 dismiss without leave to amend unless “it is absolutely clear that the deficiencies of
15 the complaint could not be cured by amendment.” *Rosati v. Igbino*, 791 F.3d 1037,
16 1039 (9th Cir. 2015).

17 **2.2 Individual Defendants cannot be held liable under the ADA or Title** 18 **VII.**

19 Defendants correctly argue that individual employees cannot be held
20 personally liable under the ADA or Title VII. The Ninth Circuit has consistently
21 held that these federal employment discrimination statutes limit liability to
22 “employers,” not individual employees. *Miller v. Maxwell’s Int’l Inc.*, 991 F.2d 583,
23 587 (9th Cir. 1993); *Walsh v. Nevada Dep’t of Hum. Res.*, 471 F.3d 1033, 1038 (9th

1 Cir. 2006). This prohibition applies to all individual employees, regardless of their
2 supervisory status. *See Pink v. Modoc Indian Health Project, Inc.*, 157 F.3d 1185,
3 1189 (9th Cir. 1998).

4 Because Guddat and Boyles are individual employees, they cannot be held
5 liable under the ADA or Title VII. Boparai's claims against the individual
6 defendants under these statutes must be dismissed.

7 **2.3 Plaintiff's color discrimination allegation fails to state a plausible**
8 **Section 1981 claim.**

9 Although not clearly articulated, Boparai's allegation that he was
10 discriminated against based on his "color" could potentially support a claim under
11 42 U.S.C. § 1981, which permits individual liability. Unlike Title VII and the ADA,
12 Section 1981 allows claims against individual defendants. However, to state a
13 plausible Section 1981 claim, a plaintiff must establish three essential elements: (1)
14 he is a member of a racial minority; (2) the defendant intended to discriminate
15 against him on the basis of race or color; and (3) the discrimination concerned one or
16 more of the activities enumerated in the statute (i.e., the right to make and enforce
17 contracts). *Blackshire v. County of Yuba*, 648 F. Supp. 3d 1221, 1232 (E.D. Cal.
18 2023); *Newman v. Google LLC*, 2021 WL 2633423, at *5 (N.D. Cal. June 25, 2021).
19 Additionally, the plaintiff must show that the discriminatory conduct was a "but-
20 for" cause of the injury. *Comcast Corp. v. Nat'l Ass'n of Afr. Am.-Owned Media*, 140
21 S. Ct. 1009, 1013 (2020).

22 Boparai has not identified his race or color, nor has he alleged facts
23 supporting an inference that the individual defendants intentionally discriminated

1 against him based on race or color. The complaint contains only a conclusory
2 allegation of color discrimination without supporting factual content. This falls
3 short of the plausibility standard required under *Twombly* and *Iqbal*.

4 **2.4 Leave to amend.**

5 Because Boparai proceeds pro se and may be able to cure the deficiencies in
6 his complaint regarding potential individual liability claims, dismissal *without*
7 prejudice is appropriate. While individual employees clearly cannot be liable under
8 the ADA or Title VII, Boparai should have an opportunity to amend if he can
9 plausibly allege facts supporting individual liability under Section 1981 or other
10 applicable federal civil rights statutes.

11 **3. CONCLUSION**


12 For the reasons stated above, Defendants' Motion to Dismiss Individual
13 Defendants is GRANTED. Plaintiff's claims against Linda Guddat and Holly Boyles
14 under the ADA and Title VII are DISMISSED with prejudice. Any potential claims
15 against the individual defendants under Section 1981 or other federal civil rights
16 statutes are DISMISSED without prejudice.

17 Boparai may file an amended complaint within twenty-one (21) days of this
18 order if he believes he can state a plausible claim for individual liability. Any
19 amended complaint must: (1) clearly identify Boparai's race or color; (2) allege
20 specific facts showing that the individual defendants intentionally discriminated
21 against him based on race or color; and (3) allege facts showing the discrimination
22

1 concerned the making or enforcement of his employment contract. Mere conclusory
2 allegations will not suffice.

3 Failure to file an amended complaint within the specified time will result in
4 dismissal of all claims against the individual defendants. The Clerk of the Court is
5 DIRECTED to set a case management deadline twenty-one (21) days from the date
6 of this order.

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8 Dated this 17th day of July, 2025.

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Jamal N. Whitehead
United States District Judge